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## Local Government Committee

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### HJR 4212

**Brief Description:** Authorizing additional governance options for counties.

**Sponsors:** Representatives Sommers, Schindler, Simpson, Hinkle, Flannigan, Jarrett, Haler, Hankins, Clibborn and Shabro.

#### Brief Summary of Bill

- Proposes a constitutional amendment allowing the citizens of noncharter counties to alter the terms of the governance of their county through ballot propositions that may be initiated by either a voter petition or by the action of the county legislative authority.
- Allows a noncharter county to operate following voter approval under either an elected executive/council plan of government or a council/manager plan of government.
- Allows adjacent noncharter counties to share a single official to act on behalf of both counties, with the exception of the members of the county legislative authority, superior court judges, and inferior court judges.

**Hearing Date:** 2/24/05

**Staff:** Thamas Osborn (786-7129).

#### **Background:**

#### **Overview: State Constitutional Requirements Regarding County Governance.**

The Constitution of the State of Washington (Constitution), Article XI, sections 3 through 5, controls the creation and governance of counties in this state. The Constitution allows for two types of county governments: 1) the "commission" form (commission counties); and 2) the "Home Rule" charter county form (charter counties). Until 1969, all 39 Washington counties operated under the commission form of government. Since then, five counties have chosen to adopt home rule charters.

#### **The "Commission" Form of County Government.**

Article XI, section 5, makes commission counties the *standard* form of county adopted by jurisdictions throughout the state and sets forth, in general terms, the type of governmental structure commission counties must have. All noncharter counties must adopt this form of county governance and are subject to extensive state regulation under chapter Title 36 RCW.

In commission (i.e., noncharter) counties, the county governing body consists of an elected board composed of three commissioners who serve as the legislative body and also perform executive functions. Counties with populations greater than 300,000 can increase the size of the commission from three to five members. No single administrator or executive oversees a county's operations under the commission form of government.

The board of county commissioners shares administrative and, to some extent, legislative functions with other independently elected county officials, including a clerk, treasurer, sheriff, assessor, coroner and auditor (or recorder). Other independently elected county officials and court officers include the county prosecuting attorney and the judges of the county superior court.

### **The "Home Rule" Charter Form of County Government.**

In 1948, Article XI, section 4, of the constitution was amended to allow counties the option of adopting "Home Rule" charters. This amendment provides a county with great flexibility in determining its form of governance, insofar it provides few specific requirements for the type of governmental structure that must be adopted. Although the "home rule" provision does not change the general role and authority of counties, it does allow counties to provide for a form of government different from the commission form prescribed by state law. By approving the creation of a charter county, county voters can allow appointed county officers to perform functions previously performed by independently elected officials and can change the names and duties of the county officers prescribed by the Constitution and state law. Home rule charters may not, however, change the elected status and duties of the county prosecuting attorney or superior and district court judges, or the jurisdiction of the courts.

Since 1948, five counties have elected to adopt "home rule" charters: Clallam (1979); King (1969); Pierce (1981); Snohomish (1980); and Whatcom (1979). Of the five home rule charter counties, four have adopted the council-executive form of government with an elected executive. The fifth charter county, Clallam County, has retained the three-member commission form of government with responsibilities similar to boards of commissioners in noncharter counties. A county charter can make any elected county official, except the prosecuting attorney and superior court judges, an appointive rather than an elective position.

### **Summary of Bill:**

The House Joint Resolution creates a ballot proposition for consideration at the next general election proposing the amendment of the State Constitution so as to provide the citizens of noncharter counties with an electoral mechanism for altering the terms of the governance of their county. In order to do so, the voters must pass a ballot proposition that may be initiated either by a voter petition or by the action of the county legislative authority. The petition method requires that the petition be signed by registered voters equal in number to at least ten percent of the number of voters who voted at the last general election.

The proposed amendment requires that the legislature enact "general laws" allowing the implementation of the various provisions of the amendment. These general laws must allow a noncharter county to operate following voter approval under either an elected executive/council plan of government or a council/manager plan of government and, with certain specified exceptions, either plan of government may allow for the creation of additional county officials and/or the elimination of county offices otherwise required by the state constitution.

The proposed amendment also allows two or more adjacent noncharter counties to share a single official to act on behalf of these counties, with the exception of the members of the county legislative authority, superior court judges, and inferior court judges. Shared officials may either be appointed by the joint action of the pertinent county legislative authorities or be elected by the voters from a single district encompassing the adjacent counties. However, a prosecuting attorney acting on behalf of two or more adjacent counties must be elected from a single district encompassing the adjacent counties.

**Appropriation:** None.

**Fiscal Note:** Requested on February 20, 2005.